

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE,

Plaintiff,

v.

KATHLEEN ALLISON, in her official
capacity as the Secretary of the California
Department of Corrections and
Rehabilitation,

Defendant.

No. 2:20-cv-02482-WBS-AC

ORDER

COUNTY OF AMADOR, a public agency
of the State of California,

Plaintiff,

v.

KATHLEEN ALLISON, in her official
capacity as the Secretary of the California
Department of Corrections; PATRICK
COVELLO, in his official capacity as the
Warden of the California Department of
Corrections and Rehabilitation Mule Creek
State Prison,

Defendants.

1 Pending before the court is defendants' motion to compel production of documents. ECF
2 No. 75. This discovery matter was referred to the undersigned pursuant to E.D. Cal. R. ("Local
3 Rule") 302(c)(1). The motion was filed on September 21, 2022 and noticed for hearing on
4 September 28, 2022. ECF No. 75. The motion was taken under submission on the papers. ECF
5 No. 76.

6 Local Rule 251(b) establishes requirements for any party bringing a motion pursuant to
7 Federal Rules of Civil Procedure 26 through 37, including the requirement that the parties meet
8 and confer and file a joint discovery statement. Here, defendants assert an exception to this rule
9 is appropriate under Local Rule 251(d), which allows counsel to file a motion without a joint
10 statement with an affidavit that despite good faith effort, the moving party was unable to obtain
11 the cooperation of the opposing party in creating a joint statement.

12 Ordinarily, discovery motions are to be noticed on the court's calendar at least 21 days
13 from the date of filing and service. Local Rule 251(a). Motions filed concurrently with a joint
14 statement may be set for hearing on seven days notice. Id. Pursuant to Local Rule 251(e),
15 motions involving a complete failure to respond to discovery or when the only relief sought is
16 sanctions, a hearing may be noticed 14 days from filing. In this case, defendants noticed their
17 motion 7 days from filing without concurrently filing a joint statement. ECF No. 75. The motion
18 is therefore improperly noticed. Additionally, the court is dissatisfied with the parties' meet and
19 confer efforts and the efforts made in obtaining a joint statement. In defendants' own motion,
20 defendants admit to serving plaintiffs with their portion of the joint statement on September 21 at
21 11:30 a.m. and demanding plaintiffs' portion be complete by noon on September 22, 2022. ECF
22 No. 75-1 at 4. This is not a good faith effort to obtain a joint statement.

23 Because defendants, the moving party, did not satisfy Local Rule 251(b)'s joint discovery
24 statement requirement and did not properly notice their motion, the motion to compel will be
25 denied without prejudice. See e.g., U.S. v. Molen, 2012 WL 5940383, at *1 (E.D.Cal. Nov. 27,
26 2012) (where a party fails to comply with Local Rule 251, discovery motions are denied without

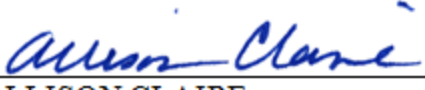
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1 prejudice to re-filing). For the reasons state above, IT IS HEREBY ORDERED that defendants
2 motion to compel (ECF No. 75) is DENIED without prejudice to refileing.

3 IT IS SO ORDERED.

4 DATE: October 5, 2022

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6 ALLISON CLAIRE
7 UNITED STATES MAGISTRATE JUDGE
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